

## REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration of the application. In this response, no claims have been canceled, no claims have been added, and no claims have been amended. Accordingly, Claims 1-28 are pending.

### **I. Claims Rejected Under 35 U.S.C. §102(e)**

In the Office Action, the Examiner rejects Claims 1-8, 10-17, 19, 22-24, 27 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,311,294 to Larky, et al. (Larky). Applicant respectfully traverses this rejection.

With respect to Claim 1, Applicant respectfully submits that Larky fails to teach or suggest every limitation of this claim. Particularly, Larky fails to teach or suggest “counting flow control events issued by individual endpoints” as recited in Claim 1. Larky does disclose a counter for counting down a time-out period during which a device has no bulk data to send (e.g., represented by sending a NAK signal). However, Larky does not disclose counting flow control events issued by individual endpoints as recited in Claim 1. At least for this reason, Applicant submits that Claim 1 is not anticipated by Larky.

Additionally, Applicant respectfully submits that Larky fails to teach or suggest “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints which have issued a threshold number of flow control events” as recited in Claim 1. As to this limitation, the Examiner has failed to point out where this limitation of Claim 1 is found within Larky. In the Office Actions, the Examiner merely asserts that “Larky et al. discloses ... that bus master suspends services to an endpoint which has issued a threshold number of flow control events (a threshold number of NAK signal, for example)” without specifically identifying where the alleged teachings could be found in Larky. Applicant likewise cannot find any such teaching or suggestion. Accordingly, since Larky fails to teach “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints which have issued a threshold number of flow control events” as recited in Claim 1, Larky cannot anticipate Claim 1.

Furthermore, in the latest Office Action, the Examiner asserts that the counter employed by Larky is used to count down one or more USB data frames and thus the counter employed by Larky does indeed count the number of flow control events such as NAKs. In doing so, it

appears that the Examiner is equating “counting USB data frames” described in Larky as “counting flow control events (such as NAKs) issued by individual endpoints” as recited in Claim 1. Assuming for the sake of argument that the Examiner’s assertion is correct and that “USB data frames” described in Larky is equivalent to “flow control events” recited in Claim 1, there is no teaching or suggestion in Larky of skipping elements in the traversal of the schedule, which have issued a threshold number of “USB data frames” (which the Examiner equates as “flow control events”) as required by Claim 1. Thus, the Examiner’s analysis of Claim 1 creates a logical quandary, which necessarily requires that the rejection be withdrawn.

Analogous arguments to those above apply to Claim 10. Particularly, Larky fails to teach or suggest “counting flow control events issued by individual endpoints” as recited in Claim 10. Further, Larky fails to teach or suggest “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints which have issued a threshold number of flow control events” as recited in Claim 10. Applicant respectfully submits that Larky fails to disclose at least these limitations of Claim 10.

As to Claim 19, Applicant respectfully submits that Larky fails to teach or suggest “a counter to count flow control events issued by at least one of the plurality of endpoints” as recited in Claim 19. Larky does disclose a counter for counting down a time-out period during which a device has no bulk data to send (e.g., represented by sending a NAK signal). However, Larky does not disclose a counter that counts flow control events issued by at least one of the plurality of endpoints, as recited in Claim 19. At least for this reason, Applicant submits that Larky cannot anticipate Claim 19.

Additionally, Applicant respectfully submits that Larky fails to teach or suggest “... such that the bus master suspends service to an endpoint which has issued a threshold number of flow control events” as recited in Claim 19. As to this limitation, the Examiner has failed to point out where this limitation of Claim 19 is found within Larky. In the Office Actions, the Examiner merely asserts that “Larky et al. discloses ... that bus master suspends services to an endpoint which has issued a threshold number of flow control events (a threshold number of NAK signal, for example)” without specifically identifying where the alleged teachings could be found in Larky. Applicant likewise cannot find any such teaching or suggestion. Accordingly, since Larky fails to teach or suggest suspending service to an endpoint which has issued a

threshold number of flow control events as required by Claim 19, Larky cannot anticipate Claim 19.

Analogous arguments to those above apply to Claim 24. Particularly, Larky fails to teach or suggest “a counter to count flow control events issued by at least one endpoint” as recited in Claim 24. Further, Larky fails to teach or suggest “... such that the bus master suspends service to an endpoint which has issued a threshold number of flow control events” as recited in Claim 24. Applicant respectfully submits that Larky fails to disclose at least these limitations of Claim 24.

In view of the foregoing, Applicant respectfully submits that Claims 1, 10, 19 and 24 are not anticipated by Larky and requests withdrawal of the rejection of these claims. Dependent Claims 2-8, 11-17, 22-23, 27 and 28 are submitted as not being anticipated by Larky at least for the same reasons given in support of their base Claims 1, 10, 19 and 24.

In the Office Action, the Examiner rejects Claims 1-19, 22-24, 27 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,073,193 to Yap (Yap). Applicant respectfully traverses this rejection.

With respect to Claim 1, Applicant respectfully submits that Yap does not teach or suggest “counting flow control events issued by individual endpoints” as recited in Claim 1. Rather, Yap discloses a system for disconnecting certain data lines in order to recover from a USB device brown out condition (Col. 2, lines 6-9; Col. 5, lines 53-63). The counter used by Yap is incremented based on how long a USB microcontroller has been busy, which is not the same as counting the number of flow control events issued by a specific device or endpoint. Further, Applicant respectfully submits that Yap does not teach or suggest “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints which have issued a threshold number of flow control events” as recited in Claim 1. Rather, the examples and embodiments disclosed by Yap only teach counting the number of milliseconds during which a specific microcontroller is busy, and once a threshold time period has been reached, the data lines of that specific USB microcontroller are disconnected for a predetermined amount of time and then re-connected (Col. 5, lines 53-63; Col. 6, lines 24-32). Thus, Yap’s disclosure of disconnecting and reconnecting data lines of a USB microcontroller once the microcontroller has been busy for a predetermined amount of time is not the same as “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints

which have issued a threshold number of flow control events” as recited in Claim 1. At least for these reasons, Applicant submits that Claim 1 is not anticipated by Yap.

Analogous arguments to those above apply to Claim 10. Particularly, Yap fails to teach or suggest “counting flow control events issued by individual endpoints” as recited in Claim 10. Further, Yap fails to teach or suggest “skipping elements in the traversal of the schedule, the elements being skipped corresponding to endpoints which have issued a threshold number of flow control events” as recited in Claim 10. Applicant respectfully submits that Yap fails to disclose at least these limitations of Claim 10.

As to Claim 19, Applicant respectfully submits that Yap does not teach or suggest “a counter to count flow control events issued by at least one of the plurality of endpoints” as recited in Claim 19. Rather, Yap discloses a system for disconnecting certain data lines in order to recover from a USB device brown out condition (Col. 2, lines 6-9; Col. 5, lines 53-63). The counter used by Yap is incremented based on how long a USB microcontroller has been busy, which is not the same as counting the number of flow control events issued by a specific device or endpoint. Further, Applicant respectfully submits that Yap does not teach or suggest “...such that the bus master suspends service to an endpoint which has issued a threshold number of flow control events” as recited in Claim 19. Rather, the examples and embodiments disclosed by Yap only teach counting the number of milliseconds during which a specific microcontroller is busy, and once a threshold time period has been reached, the data lines of that specific USB microcontroller are disconnected for a predetermined amount of time and then re-connected (Col. 5, lines 53-63; Col. 6, lines 24-32). Thus, Yap’s disclosure of disconnecting and reconnecting data lines of a USB microcontroller once the microcontroller has been busy for a predetermined amount of time is not the same as suspending service to an endpoint which has issued a threshold number of flow control events as required by Claim 19. At least for these reasons, Applicant submits that Claim 19 is not anticipated by Yap.

Analogous arguments to those above apply to Claim 24. Particularly, Yap fails to teach or suggest “a counter to count flow control events issued by at least one endpoint” as recited in Claim 24. Further, Yap fails to teach or suggest “... such that the bus master suspends service to an endpoint which has issued a threshold number of flow control events” as recited in Claim 24. Applicant respectfully submits that Yap fails to disclose at least these limitations of Claim 24.

In view of the foregoing, Applicant respectfully submits that Claims 1, 10, 19 and 24 are not anticipated by Yap and requests withdrawal of the rejection of these claims. Dependent Claims 2-9, 11-18, 22-23, 27 and 28 are submitted as not being anticipated by Yap at least for the same reasons given in support of their base Claims 1, 10, 19 and 24.

**II. Claims Rejected Under 35 U.S.C. §103(a)**

In the Office Action, the Examiner rejects Claims 9, 18, 20, 21, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Larky. Applicant respectfully traverses this rejection.

With respect to Claims 9, 18, 20, 21, 25 and 26, Applicant incorporates its prior arguments with respect to the failure of Larky to anticipate Claims 1, 10, 19 and 24, from which these claims depend. At least for this reason, Applicant respectfully submits that Claims 9, 18, 20, 21, 25 and 26 are patentable over Larky and requests withdrawal of the rejection of these claims.

In the Office Action, the Examiner rejects Claims 20, 21, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Yap. Applicant respectfully traverses this rejection.

With respect to Claims 20, 21, 25 and 26, Applicant incorporates its prior arguments with respect to the failure of Yap to anticipate Claims 19 and 24, from which these claims depend. At least for this reason, Applicant respectfully submits that Claims 20, 21, 25 and 26 are patentable over Yap and requests withdrawal of the rejection of these claims.

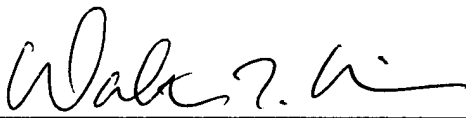
### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

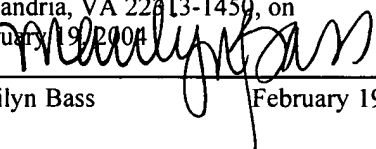
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#### **CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 19, 2004.

  
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Marilyn Bass

February 19, 2004